

REMARKS

In the Advisory Action mailed October 3, 2007, claims 20-60 were pending and stand rejected. In the Advisory Action, the examiner asserts that proposed amendments were filed after a final rejection and that the amendments raised new issues that would require further consideration and/or search. Specifically, the examiner asserts that "[c]laims 20, 39, 48 and 55 have been amended to require that the apparatus has transition surfaces that will correspond in shape to a curvature of an inner portion of a cortical rim 'located at a posterior region' of vertebral endplates in a sagittal plane. Previously the claim required the transition surfaces to correspond (sic) to a cortical rim of a vertebral endplates, but did not require that the rim was located at a posterior region. This limitation will require further search and/or consideration."

The examiner's assertion is traversed, and withdrawal of the finality of the July 17, 2007, action is respectfully requested. No claim amendments were presented in the September 13, 2007, response to the final office action. Furthermore, the amendments referred to by the examiner were submitted in an April 17, 2007 response filed to address the non-final office dated January 22, 2007. Since the examiner has not searched or considered the limitations in the claims presented in the April 17, 2007 response, the finality of the July 17, 2007, action was improper. Consideration of claims 20-60 as amended in the April 17, 2007, response is respectfully requested.

Respectfully submitted,

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